

ATTORNEYS AT LAW

WRIGHT & TALISMAN, P.C.

1200 G Street, N.W.
Suite 600
Washington, D.C. 20005-3802
202-393-1200
FAX 202-393-1240
www.wrightlaw.com

US Department of Energy

JAN 28 2009

Electricity, Delivery and Energy Reliability

January 28, 2009

The Department of Energy
Office of Electricity Delivery and Energy Reliability
OE-20, Room 6H-034
1000 Independence Avenue, S.W.
Washington, DC 20585

Attention: Ms. Ellen Russell

Re: Emera Energy Services, Inc.

Dear Ms. Russell:

Enclosed for filing on behalf of Emera Energy Services, Inc. are:

1. an original and fifteen copies of the Application of Emera Energy Services, Inc. for Renewal of Authority to Transmit Electric Energy to Canada; and
2. a check in the amount of \$500 payable to the Treasurer of the United States as required under 10 C.F.R. § 205.309 (2008).

Additionally, Emera Energy Services, Inc. requests expedited treatment of its application.

Respectfully submitted,



Deborah C. Brentani

Attorney for
Emera Energy Services, Inc.

UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

US Department of Energy

JAN 28 2009

Electricity, Delivery and Energy Reliability

Emera Energy Services, Inc.

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Docket No. EA-257-A

Docket No. EA-257-B

Docket No. EA-257- C

APPLICATION OF EMERA ENERGY SERVICES, INC.
FOR RENEWAL OF AUTHORITY
TO TRANSMIT ELECTRICAL ENERGY TO CANADA

Pursuant to section 202(e) of the Federal Power Act, 16 U.S.C. § 824a(e), and 10 C.F.R. §§ 205.300 et seq., Emera Energy Services, Inc. ("EES") hereby files this application to renew its authorization to transmit electricity from the United States to Canada for a term of five years. The Department of Energy ("DOE") previously granted EES export authorization for a five year term on April 5, 2004, Docket No. EA -257-A, as amended May 17, 2006, Docket No. EA-257-B. The five year term will expire on April 5, 2009.

In support of this application, EES submits as follows:

I.

DESCRIPTION OF APPLICANT

The exact legal name of Applicant is Emera Energy Services, Inc. EES is a Delaware Corporation formed under Delaware law with its principal place of business at Suite 101, #37 Route 236, Kittery, Maine 03904. EES is a wholly-owned indirect subsidiary of Emera Incorporated ("Emera"), a Nova Scotia corporation that is a diversified energy and services company.

On April 5, 2002, the Office of Fossil Energy of the DOE issued Order No. EA-257, authorizing EES to export electric energy to Canada as a power marketer for a term of two years. That two year authorization expired on April 5, 2004. On January 30, 2004, EES filed in Docket No. EA-257-A an application for renewal of the authorization provided in Order No. EA-257. By order issued on April 5, 2004, the DOE granted that authorization for a five year term. This authorization was subsequently amended to add additional international facilities to the list of facilities over which EES may export electric energy to Canada on May 17, 2006 in Order No. EA-257-B. Much of the information contained in the prior application remains true and accurate today. For convenience, much of the information included in the prior application, updated as necessary, is repeated in this application for renewal of authorization to transmit electricity from the United States to Canada.

Bangor Hydro-Electric Company ("Bangor Hydro") is an indirect wholly owned subsidiary of Emera. Bangor Hydro is a Maine corporation. Bangor Hydro is primarily engaged in the transmission and distribution of electric energy and related services to retail customers located in eastern and coastal Maine in the counties of Penobscot, Hancock, Washington, Waldo, Piscataquis, and Aroostook. Bangor Hydro also serves wholesale customers located in these areas. Bangor Hydro owns approximately 700 miles of transmission lines and 5,000 miles of distribution lines. Bangor Hydro's transmission facilities include the United States portion of the Northeastern Reliability Interconnect, a 345 kV transmission line which runs from the Bangor area to New Brunswick, Canada.

Emera also owns other energy concerns. Emera Energy Incorporated is a wholly-owned subsidiary of Emera, incorporated under the laws of Nova Scotia. Emera Energy Incorporated provides energy management services exclusively to Canadian clients and customers, as well as conducting proprietary natural gas and

electricity trading and marketing in the Canadian marketplace. Nova Scotia Power Inc. ("NS Power") is a wholly-owned subsidiary of Emera that provides service to customers located in Nova Scotia, Canada. Emera has 12.92% ownership in the Maritimes and Northeast Pipeline, a natural gas pipeline that originates in Goldboro, Nova Scotia, and terminates at a point of interconnection with the United States pipeline grid at Dracut, Massachusetts.¹ Emera owns a subsidiary Emera Utility Services Incorporated ("Emera Utility Services"), which provides transformer refurbishment, cable work, and electrical construction. Emera Utility Services' only sales have been to customers located in Nova Scotia, New Brunswick, Prince Edward Island and Alberta. In response to major storm damage, however, Emera Utility Services, through NS Power, has provided emergency cable services in the State of Maine.

Emera also has a direct subsidiary, Emera Brunswick Pipeline Company Ltd. ("Emera Brunswick") which owns the Brunswick Pipeline. The Brunswick Pipeline will connect the CanaportTM Liquefied Natural Gas ("LNG") terminal in New Brunswick, Canada to the United States portion of the existing Maritimes and Northeast Pipeline. The Brunswick Pipeline will deliver natural gas to markets in the Canadian Maritime provinces and the Northeastern United States. The projected in service date for the Brunswick Pipeline is February 2009.

Emera also owns seven other subsidiaries that have received export authorization. Emera Energy U.S. Subsidiary No. 1, Inc. ("EES#1"), which is the direct parent of EES, received electricity export authorization on April 19, 2004 for a five year

¹ Emera, through subsidiaries, has a 12.92% ownership in Maritimes & Northeast Pipeline, L.L.C., which owns the United States portion of the pipeline. Emera, through, subsidiaries has a 12.92% ownership in Maritimes & Northeast Pipeline Management Ltd., which owns the Canadian portion of the Maritimes and Northeast Pipeline.

term.² Emera Energy U.S. Subsidiary No. 2, Inc. ("EES#2") received export authorization on May 17, 2006 for a five year term.³ Emera Energy Services Subsidiary No. 1 LLC ("EESS-1"), Emera Energy Services Subsidiary No. 2 LLC ("EESS-2"), Emera Energy Services Subsidiary No. 3 LLC ("EESS-3"), Emera Energy Services Subsidiary No. 4 LLC ("EESS-4"), and Emera Energy Services Subsidiary No. 5 LLC ("EESS-5") received electricity export authorization on April 19, 2007 for five year terms.⁴

Emera owns a 19.1% interest in St. Lucia Electricity Services Limited ("Lucelec"). Lucelec is an electric utility with exclusive license to generate, transmit and distribute electricity on the island of St. Lucia until 2045. Emera also owns a 25% indirect interest in Grand Bahama Power Company Limited ("GBPC") through its holding of a 50% interest in ICD Utilities Limited, which in turn owns 50% of GBPC. GBPC is the sole licensed and regulated utility operator on Grand Bahama Island with an exclusive franchise to produce, transmit and distribute electricity on Grand Bahama Island until 2054. Emera also owns a 7.4% interest in OpenHydro Group Limited, an Irish technology business that designs and manufactures marine turbines to generate renewable energy from tidal streams.

EES#1, through subsidiaries, holds a fifty percent (50%) interest in Bear Swamp Power Company, LLC ("Bear Swamp"), a limited liability company created under the laws of Delaware to own and operate the 589 MW Bear Swamp Pumped Storage Hydroelectric Facility located on the Deerfield River in northern Massachusetts ("Bear Swamp Facility") and the nearby 10 MW Fife Brook Facility, a run-of river hydroelectric

² Emera Energy U.S. Subsidiary No. 1, Inc., Order No. EA-287 (Apr. 19, 2004). EES#1 is currently in the process of applying to renew this authorization.

³ Emera Energy U.S. Subsidiary No. 2, Inc., Order No. EA-312 (May 17, 2006).

⁴ Emera Energy Services Subsidiary No. 1 LLC, Order No. EA-321 (Apr. 19, 2007); Emera Energy Services Subsidiary No. 2 LLC, Order No. EA-322 (Apr. 19, 2007); Emera Energy Services Subsidiary No. 3 LLC, Order No. EA-323 (Apr. 19, 2007); Emera Energy Services Subsidiary No. 4 LLC, Order No. EA-324 (Apr. 19, 2007); Emera Energy Services Subsidiary No. 5 LLC, Order No. EA-325 (Apr. 19, 2007).

facility (collectively referred to herein as the "Bear Swamp Facilities"). Bear Swamp is authorized to sell power at market-based rates⁵ and sells energy, capacity, and ancillary services at market-based rates from the Bear Swamp Facilities.

EES does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area. EES operates as a marketing company involved in, among other things, the purchase and sale of electricity in the United States as a power marketer.⁶

II.

JURISDICTION

EES believes that the DOE is the only governmental agency that has authority over this Application.

III.

COMMUNICATIONS

All service and correspondence concerning this application should be sent to:

⁵ Bear Swamp Power Co., LLC, 110 FERC ¶ 61,208, at P 23 (2005).

⁶ On March 1, 2002, FERC granted EES the authority to sell electricity at wholesale market-based rates. Emera Energy Services, Inc., Docket No. ER02-723-000, Letter Order (Mar. 1, 2002). On June 6, 2008, FERC issued a letter order accepting the most recent updated market-power analysis regarding EES, EES#1, EES#2, EESS-1, EESS-2, EESS-3, EESS-4, EESS-5, and Bangor Hydro's market-based rate authorizations. Bangor Hydro-Elec. Co., Letter Order, Docket Nos. ER99-1522-004, ER02-723-003, ER04-359-002, ER06-796-002, ER07-553-001, ER07-554-001, ER07-555-001, ER07-556-001 and ER07-557-001 (June 6, 2008).

Rebecca Gasek
Emera Energy Services, Inc.
1894 Barrington Street
17th Floor, Barrington Tower
Halifax, Nova Scotia
Canada B3J 2A8
(902) 474-2557 (phone)
(909) 428-6762 (fax)
rebecca.gasek@emeraenergy.com

Wendy N. Reed
Deborah C. Brentani
Wright & Talisman, P.C.
1200 G Street NW, Suite 600
Washington, DC 20005
(202) 393-1200 (phone)
(202) 383-1240 (fax)
reed@wrightlaw.com
brentani@wrightlaw.com

Stephen Aftanas
Corporate Secretary
Emera Incorporated
1894 Barrington Street
18th Floor, Barrington Tower
P.O. Box 910
Halifax, NS
(902) 428-6096 (phone)
(902) 428-6171 (fax)
stephen.aftanas@emera.com

IV.

EES EXPORT PROPOSAL

Through this Application, EES seeks renewal of its authority to engage in open-ended transactions to transmit and exchange electric power and energy to buyers in Canada under terms and conditions to be negotiated in the future with various entities. EES hereby seeks renewal of the same flexibility it was granted previously by Order No. EA-257-A as amended by Order No. EA-257-B.

EES expects that it will make sales involving exports over the facilities described in Exhibit C.

Renewing EES's authority will not adversely affect reliability, fuel use, or system ability. It will also not impair the sufficiency of electric supply or impede regional coordination. As an initial matter, EES will schedule all power consistent with the reliability criteria, standards and guides of the North American Electric Reliability Council and the applicable regional reliability councils.

Second, EES has no native load customers. It will obtain the power necessary for any sales under the export license in the marketplace. EES expects that any power it will obtain will be power surplus to the power needs in the United States. In fact, the marketplace throughout the United States is highly competitive with substantial surplus power available to purchase during much of the year. FERC's open access transmission policies, as embodied in FERC Order Nos. 888 et al.,⁷ and Order No. 890, et al.,⁸ require individual utility companies and many existing power pools to provide open access transmission service, and have resulted in greatly increased supply options. Therefore, the marketplace will assure that the EES has sufficient power to sell under the export license and that the sale will not affect reliability.

As to transmission reliability, there should be no reliability concerns as EES will abide by the applicable export limits previously adopted for the transmission facilities listed in Exhibit C.⁹ EES also will not own any transmission and simply will be a transmission customer.

V.

PROCEDURES

EES proposes to comply with procedures similar to those imposed in Order No. EA-257-B. From time to time EES will enter into agreements with third parties which

⁷ Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888, 1991-1996 FERC Stats. & Regs., Regs. Preambles ¶ 31,036 (1996), order on reh'g, Order No. 888-A, 1996-2000 FERC Stats. & Regs., Regs. Preambles ¶ 31,048, order on reh'g, Order No. 888-B, 81 FERC ¶ 61,248 (1997) reh'g denied, Order No. 888-C, 82 FERC ¶ 61,046 (1998), aff'd in part and remanded in part sub nom. Transmission Access Policy Study Group v. FERC, 225 F.3d 667 (D.C. Cir. 2000), aff'd sub nom. New York v. FERC, 535 U.S. 1 (2002).

⁸ Preventing Undue Discrimination and Preference in Transmission Service, Order No. 890, 2006-2007 FERC Stats. & Regs., Regs. Preambles ¶ 31,241, order on reh'g, Order No. 890-A, 2006-2007 FERC Stats. & Regs., Regs. Preambles ¶ 31,261 (2007), order on reh'g and clarification, Order No. 890-B, 123 FERC ¶ 61,299 (2008).

⁹ See Emera Energy Servs., Inc., Order No. EA-257-B at 7-9.

involve the export of electric power from the United States to Canada. EES will make and preserve complete records with respect to the electric power exported to Canada and will provide the DOE with quarterly reports within 30 days following each calendar quarter. These quarterly reports will show the gross amount of kilowatt-hours of electric energy delivered and consideration received therefor during each month of the previous quarter and the maximum hourly rate of transmission.

VI.

REQUIRED EXHIBITS

- Exhibit A - Agreements – EES is seeking blanket approval for to-be negotiated contracts. Accordingly, Exhibit A is not included with this application.
- Exhibit B - Contains signed Legal Opinions of Counsel.
- Exhibit C - Transmission System Information (submitted in lieu of maps) – It is EES's understanding that as a power marketer that does not own any transmission facilities, it is not obligated to provide a map of the facilities that will be used to transmit the power. A list of the facilities that may be used is included as Exhibit C.
- Exhibit D - Designation of Resident Agent – Not applicable.
- Exhibit E - Statement of any corporate relationship or existing contract which in any way relates to the control or fixing power of electric power – Not applicable.
- Exhibit F - Methodology to Inform Neighboring Utilities of Excess Capacity – Not applicable. The competitive marketplace takes care of this.

VII.

REQUESTED EFFECTIVE DATE AND REQUEST FOR EXPEDITED TREATMENT

EES requests expedited treatment for this application. Additionally, EES asks that the authorizations requested herein be granted effective as of April 5, 2009, the date

the current authorization expires, and requests any waivers and expedited treatment necessary to allow for this effective date.

VIII.

SERVICE

In accordance with the requirements of 10 C.F.R. § 205.309, copies of this application will be provided to the following:

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Maine Public Utilities Commission
242 State Street
18 State House Station
Augusta, Maine 0433-0018

Maine Public Advocate Office
112 State House Station
Augusta, ME 04333-0112

IX.

CONCLUSION

EES respectfully requests that this application for renewal of blanket authority to transmit electric energy to Canada expeditiously be considered and approved on substantially similar terms as were imposed in the granting of authority in Order No. EA-257-A issued on April 5, 2004, as amended by Order No. EA-257-B issued on May 17, 2006.



Stephen D. Aftanas
Corporate Secretary
Emera Incorporated
Indirect 100% Parent of Emera
Energy Services, Inc.
1894 Barrington Street
18th Floor, Barrington Tower
Halifax, Nova Scotia
Canada B3J 2A8
(902) 428-6069 (phone)
stephen.aftanas@emera.com

Dated: January 23, 2009



Emera Energy Inc.
1894 Barrington Street
17th Floor, Barrington Tower
Halifax, Nova Scotia
Canada B3J 2A8

www.emeraenergy.com

January 23, 2009

Anthony J. Como
Deputy Director, Electric Power Regulation,
Office of Coal & Power Import/Export,
Office of Coal & Power Systems,
Office of Fossil Energy
U.S. Department of Energy
Forrestal Building
1000 Independence Avenue SW
Washington, DC 20585

Re: Legal Opinion for Emera Energy Services, Inc.

Dear Mr. Como:

I have served as Counsel for Emera Energy Services, Inc., a Delaware corporation (the "Company"). This opinion is provided to you at the request of the Company, for the purposes of complying with 10 C.F.R. § 205.303(b)(2003).

I have examined company records, certificates of public officials, and other documents, as I have deemed relevant and necessary as a basis for this opinion. In such examination, I have assumed the genuineness of all signatures, the authenticity of all documents submitted to me as originals, the conformity to originals of documents submitted to me as copies, and the authenticity of the originals of such documents.

As to questions of fact material to this opinion, I have relied (without independent verification) upon such records and certificates of public officials.

Based upon the foregoing, I am of the opinion that the Company has the corporate power and authority to export electricity from the United States to Canada and that the Company will comply with all pertinent state laws.

This opinion may only be relied on by the addressee and may not be relied on by any other person without the undersigned's written permission.

Yours truly,

A handwritten signature in dark ink that reads "David Landrigan". The signature is written in a cursive, flowing style.

David Landrigan
Counsel
Emera Energy Incorporated
Parent of Emera Energy Services, Inc.

ATTORNEYS AT LAW

WRIGHT & TALISMAN, P.C.

1200 G Street, N.W.
Suite 600
Washington, D.C. 20005-3802
202-393-1200
FAX 202-393-1240
www.wrightlaw.com

January 27, 2009

Anthony J. Como
Director, Permitting and Siting
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy, OE-20
Forrestal Building
1000 Independence Avenue SW
Washington, DC 20585

Re: Legal Opinion for Emera Energy Services, Inc.

Dear Mr. Como:

The purpose of this opinion letter is to state that Emera Energy Services, Inc.'s ("EES") proposed export of electricity will be in compliance with Federal law. This opinion is required by 10 C.F.R. § 205.303(b)(2001). Specifically, it is my opinion that once EES receives renewal of its export authorization that EES will have received all necessary Federal approvals to sell to Canada. Please call with any questions.

Yours truly,



Wendy N. Reed
Deborah C. Brentani

Attorneys for
Emera Energy Services, Inc.

EXHIBIT C

TRANSMISSION LINES AT THE US-CANADA BORDER AUTHORIZED FOR THIRD-PARTY USE

<u>Present Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.</u> ¹
Bangor Hydro-Electric Company	Baileyville, ME	345-kV	PP-89
Basin Electric Power Cooperative	Tioga, ND	230-kV	PP-64
Bonneville Power Administration	Blaine, WA	2-500-kV	PP-10
	Nelway, WA	230-kV	PP-36
	Nelway, WA	230-kV	PP-46
Eastern Maine Electric Cooperative	Calais, ME	69-kV	PP-32
International Transmission Company	Detroit, MI	230-kV	PP-230
	Marysville, MI	230-kV	PP-230
	St. Claire, MI	230-kV	PP-230
	St. Claire, MI	345-kV	PP-230
Joint Owners of the Highgate Project	Highgate, VT	120-kV	PP-82
Long Sault, Inc.	Massena, NY	2-115-kV	PP-24
Maine Electric Power Company	Houlton, ME	345-kV	PP-43
Maine Public Service Company	Limestone, ME	69-kV	PP-12
	Fort Fairfield, ME	69-kV	PP-12
	Madawaska, ME	138-kV	PP-29
	Aroostook, ME	2-69-kV	PP-29
Minnesota Power, Inc.	International Falls, MN	115-kV	PP-78
Minnkota Power Cooperative	Roseau County, MN	230-kV	PP-61
Montana Alberta Tie Ltd.	Cut Bank, MT	230-kV	PP-305 ²
New York Power Authority	Massena, NY	765-kV	PP-56
	Massena, NY	2-230-kV	PP-25
	Niagara Falls, NY	2-345-kV	PP-74
	Devils Hole, NY	230-kV	PP-30
Niagara Mohawk Power Corp.	Devils Hole, NY	230-kV	PP-190
Northern States Power Company	Red River, ND	230-kV	PP-45
	Roseau County, MN	500-kV	PP-63
	Rugby, ND	230-kV	PP-231
Sea Breeze Olympic Converter LP	Port Angeles, WA	±150-kV DC	PP-299 ²
Vermont Electric Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450-kV DC	PP-76
	Millbury, MA	345-kV	
	Medway, MA	345-kV	

¹ These Presidential permit numbers refer to the generic DOE permit number and are intended to include any subsequent amendments to the permit authorizing the facility.

² These facilities have been permitted but are not yet in service.

UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

Emera Energy Services, Inc.

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Docket No. EA-257-A

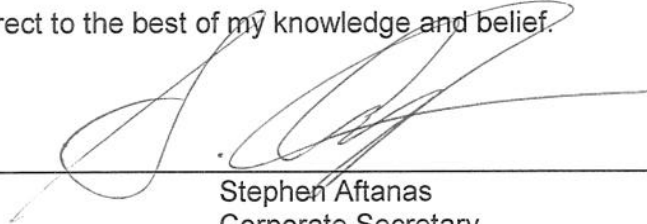
Docket No. EA-257-B

Docket No. EA-257-____

APPLICATION OF EMERA ENERGY SERVICES, INC.
FOR RENEWAL OF AUTHORITY
TO TRANSMIT ELECTRIC ENERGY TO CANADA

AFFIDAVIT

I, Stephen Aftanas, have reviewed the Application. The facts stated therein are
true and correct to the best of my knowledge and belief.

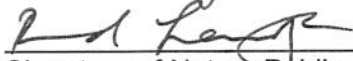


Stephen Aftanas
Corporate Secretary
Emera Incorporated

Indirect 100% Parent of Emera Energy Services, Inc.

Signed and sworn to or affirmed before me this

23rd day of January, 2009


Signature of Notary Public

DAVID LANDRIGAN
A. Notary Public in and for the
Province of Nova Scotia

Name of Notary Public printed, typed or stamped

Notary Public, Province of Nova Scotia

NOTICE
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

(Docket EA-257-____)

Application Of Emera Energy Services, Inc.
For Renewal Of Authority To Transmit Electric Energy To Canada

_____, 200__

AGENCY: Office of Fossil Energy, Department of Energy

ACTION: Notice of Application

SUMMARY: On January 28, 2009, Emera Energy Services, Inc. filed an application for renewal of its export license to Canada.

DATES: Comments, Protests or Requests to Intervene must be submitted by

_____, 200__.

ADDRESSES: Comments, Protests, or Requests to Intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, OE-20, Room 6H-034, The Department of Energy, 1001 Independence Avenue SW, Washington, DC 20585.

Docket Number EA-257-_____ should appear clearly on the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Rebecca Gasek
Emera Energy Services, Inc.
1894 Barrington Street (902) 428-6762
17th Floor, Barrington Tower

Wendy N. Reed
Deborah C. Brentani
Wright & Talisman, P.C.
1200 G Street NW, Suite 600

Halifax, Nova Scotia
Canada B3J 2A8
(902) 474-2557 (phone)
(909) 428-6762 (fax)
rebecca.gasek@emeraenergy.com

Washington, DC 20005
(202) 393-1200 (phone)
(202) 383-1240 (fax)
reed@wrightlaw.com
brentani@wrightlaw.com

Stephen Aftanas
Corporate Secretary
Emera Incorporated
1894 Barrington Street
18th Floor, Barrington Tower
P.O. Box 910
Halifax, NS
(902) 428-6096 (phone)
(902) 428-6171 (fax)
stephen.aftanas@emera.com

SUPPLEMENTAL INFORMATION: Emera Energy Services, Inc. ("EES") submits this Application to obtain renewal of its export authorization to allow it to export to Canada across transmission lines listed in Exhibit C. EES seeks export authorization to allow it to negotiate contracts for sales to Canada. Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the address provided above in accordance with Rules 211 and 214 of the Rules of Practice and Procedure (18 C.F.R. §§ 385.211, 385.214 (2008)).

Any such petitions and protests should be filed with the DOE no later than _____, 200____. Additional copies of such petitions to intervene or protests also should be submitted to Wendy N. Reed, Wright & Talisman, P.C., 1200 G Street, NW, Suite 600, Washington, DC 20005.

Pursuant to 18 C.F.R. § 385.211, protests and comments will be considered by the DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene under 18 C.F.R. § 385.214. Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and

petitioner's interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because (a) it is a State Commission; (b) it was or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or security holder of a party to the proceeding; or (c) the petitioner's participation in the public interest.

A final decision will be made on this application after a demonstration is made by the DOE that the proposed transaction will not impair the sufficiency of electric supply within the United States or impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the DOE.

Before an export authorization may be issued or amended, the environmental impacts of the proposed DOE action must be evaluated pursuant to the National Environmental Policy Act of 1969.

Copies of this application will be made available, upon request, for public inspection and copying at the Department of Energy, Room 3F-056, Forrestal Building, 1000 Independence Avenue SW, Washington, DC, from 9 a.m. to 4 p.m., Monday through Friday.

Issued in Washington, DC on _____, 200____.

Anthony J. Como

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability